

REMARKS

Claims 1-7, 9-21, 23, 24, 26, and 27 are all the claims pending in the application. By this Amendment, Applicant amends claims 1, 21, and 26 to cure minor informalities and claims 1 and 2 to further clarify the invention. By this Amendment, Applicant also cancels claim 8 without prejudice or disclaimer.

I. Summary of the Office Action

The Examiner withdrew the previous grounds of rejection. The Examiner, however, found new grounds for rejecting the claims. Specifically, claims 1, 21, 23, 24, and 26 are rejected under 35 U.S.C. § 112, second paragraph and claims 1-9, 16, 23, 24, and 27 are rejected under 35 U.S.C. § 103(a). Claims 10-15 and 17-20 are allowed and claims 21 and 26 contain allowable subject matter.

II. Claim Rejections under 35 U.S.C. § 112

Claims 1, 21, 23, 24, and 26 are rejected under 35 U.S.C. § 112, second paragraph. Applicant respectfully traverses these grounds of rejection at least in view of the following exemplary comments.

Applicant respectfully thanks the Examiner for pointing out, with particularity, the aspects of claims 1, 21, and 26 thought to be indefinite. Applicant respectfully requests the Examiner to withdraw this rejection of these claims in view of the self-explanatory claim amendments being made herein. Applicant further respectfully notes that “there is nothing inherently ambiguous or uncertain about a negative limitation,” MPEP § 2173.05(i). Accordingly, Applicant respectfully submits that claim 21 clearly comply with the requirements under 37 C.F.R. § 1.112, second paragraph.

The Examiner has not provided *any* reasons for rejecting claims 23 and 24 under 35 U.S.C. § 112, second paragraph. Applicant has carefully reviewed these claims and respectfully submits that these claims are believed to be in compliance with 35 U.S.C. § 112, second paragraph. Accordingly, it appears that this rejection is in error. In view of the foregoing, Applicant respectfully requests the Examiner to withdraw this rejection of claims 23 and 24 under 35 U.S.C. § 112, second paragraph.

III. Claim Rejections under 35 U.S.C. § 103

Claims 1, 2, 4, 6-9, 16, 23, 24, and 27 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,367,523 to Chang et al. (hereinafter “Chang”) in view of U.S. Patent No. 6,891,851 to Demakakos (hereinafter “Demakakos”). Applicant respectfully traverses these grounds of rejection at least in view of the following exemplary comments.

Independent claims 1 and 2 *inter alia* recite “wherein the data sink initiates said reporting of the network status information to said data source without a request from said data source.” For example, to avoid wasteful use of valuable network resources, the data sink initiates the reports on the network status information. Accordingly, for example, the reports may be made only when some change in the status of the network information occurs. Chang, on the other hand, clearly discloses that the receiving endnode 23 provides status information in response to a request from the sending endnode 21 (Figs. 5 and 8; col. 8, lines 39 to 66). In short, Chang does not disclose or suggest the receiving endnode initiating the report without a request from the sending endnode. Demakakos does not cure the above-identified deficiencies of Chang. For at least these exemplary reasons, claims 1 and 2 are patentable over Chang in view of Demakakos. Accordingly, Applicant respectfully requests the Examiner to withdraw this rejection of claims 1 and 2 and their dependent claims 2, 4, 6-9, 16, 23, 24, and 27.

Claims 3 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chang in view of Demakakos and further in view of U.S. Patent No. 6,963,538 to Giroux et al. (hereinafter “Giroux”). Applicant respectfully traverses these grounds of rejection in view of the following comments.

Claims 3 and 5 depend on claim 2. As explained above, Chang and Demakakos do not disclose or suggest all of the unique features of the independent claim 2. Giroux does not cure the deficient disclosures of Chang and Demakakos. Accordingly, claim 2 is patentable over the prior art of record. Claims 3 and 5 are patentable at least by virtue of their dependency on claim 2.

IV. Allowable Subject Matter

Claims 10-15 and 17-20 are allowed and claims 21 and 26 contain allowable subject matter. Applicant respectfully requests the Examiner to now allow claims 21 and 26.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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